

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹
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PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 2714

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO

Debtor.
-----X

PROMESA

Title III

No. 17 BK 3283-LTS

**This Response relates only to the
Commonwealth and shall only
be filed in the lead Case No. 17
BK 3283-LTS.**

**RESPONSE OF THE COMMONWEALTH TO MOTION
FOR RELIEF FROM AUTOMATIC STAY IN ORDER TO VOLUNTARILY
DISMISS COMPLAINT WITH PREJUDICE FILED BY KAREN ODALYS FUENTES
RIVERA, LUIS IVÁN FUENTES VÁZQUEZ, AND CARMEN IRIS RIVERA COSME**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”) respectfully submits this response (the “Response”) to the *Motion for Relief from Automatic Stay in Order to Voluntarily*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Dismiss Complaint with Prejudice [ECF No. 2714] (the “Motion”), filed by Karen Odalys Fuentes Rivera, Luis Iván Fuentes Vázquez, and Carmen Iris Rivera Cosme (collectively, the “Movants”).² The Commonwealth respectfully requests the Court grant the Motion to the limited extent to allow Movants to dismiss with prejudice the Prepetition Action (as defined below).

RESPONSE

1. On March 15, 2018, Movants filed the Motion requesting relief from the automatic stay under Bankruptcy Code section 362(a), made applicable to the Commonwealth’s Title III case by PROMESA section 301(a) (the “Title III Stay”), to permit Movants to voluntarily dismiss with prejudice all claims against Commonwealth and all other codefendants in the state civil action pending before the Court of First Instance in the Municipality of Caguas captioned *Karen Odalys Fuentes Rivera, et als v. Departamento de Transportación y Obras Públicas, et als*, Case No. E DP2016-0075 (the “Prepetition Action”).

2. After evaluating the facts and procedural stage of the Prepetition Action, the Commonwealth has determined that it is in the best interest of both parties, and creditors of the Commonwealth, to lift the Title III Stay to the limited extent to allow Movants to voluntarily dismiss with prejudice the Prepetition Action against the Commonwealth and the other parties. By agreeing to lift the Title III Stay, in no event shall the Commonwealth be required to satisfy any liability to Movants in any way whatsoever with respect to the Prepetition Action.

3. Nothing contained in this Response should be construed as a waiver or modification of the Title III Stay to allow the prosecution against the Commonwealth of any claim by anyone other than Movants as provided for herein, and the Commonwealth reserves all rights, defenses,

² The Financial Oversight and Management Board for Puerto Rico, as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice to file this Response on behalf of the Commonwealth.

and protections with respect to any other motions for relief of stay or any other matters pending in the Commonwealth's Title III case.

WHEREFORE, the Commonwealth respectfully requests that the Court grant the Motion solely to allow Movants to voluntarily dismiss with prejudice all claims against Commonwealth and all other codefendants in the Prepetition Action.

Dated: March 26, 2018.
San Juan, Puerto Rico

Respectfully submitted,

WANDA VÁZQUEZ GARCED
Secretary of Justice

/s/ Wandymar Burgos Vargas

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